

STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

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Proceedings by the Commissioner of Banking and  
Insurance, State of New Jersey, to fine, suspend  
and/or revoke the motor vehicle installment seller  
license of ALNE Trade Motors Import Export  
LLC, Reference No. 1000323.  
\_\_\_\_\_

AMENDED  
ORDER TO SHOW CAUSE

TO: ALNE Trade Motors Import Export LLC  
c/o Alexandre Maciel, President  
189 215 South Street  
Newark, NJ 07114

THIS MATTER having been opened by the Commissioner of the New Jersey Department of Banking and Insurance (“Commissioner”), upon information that ALNE Trade Motors Import Export LLC (“Respondent”), may have violated various provisions of the Retail Installment Sales Act of 1960, N.J.S.A. 17:16C-1 to -61 (“Act”); and

WHEREAS, Respondent was licensed as a motor vehicle installment seller pursuant to N.J.S.A. 17:16C-2 until its license was suspended on June 17, 2017; and

WHEREAS, Respondent is subject to the provisions of the Act; and

WHEREAS, pursuant to N.J.S.A. 17:16C-2, no person shall engage in or continue to engage in the business of a motor vehicle installment seller in this State without first obtaining a license from the Commissioner as provided for in the Act; and

WHEREAS, pursuant to N.J.S.A. 17:16C-10(a)(1), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the Act if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the

license has violated any of the provisions the Act or any order, rule or regulation made or issued pursuant to the Act; and

WHEREAS, pursuant to N.J.S.A. 17:16C-10(a)(5), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the Act if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has demonstrated unworthiness, incompetence, bad faith or dishonesty in the transacting of business as a licensee; and

WHEREAS, pursuant to N.J.S.A. 17:16C-10(a)(6), the Commissioner may revoke, suspend or refuse to renew a license or impose a penalty pursuant to the Act if the Commissioner finds, after notice and an opportunity for a hearing, that any person, applicant for or holder of the license has engaged in any other conduct which would be deemed by the Commissioner to be the cause for denial of the license; and

WHEREAS, pursuant to N.J.S.A. 17:16C-55, any person, and any director, officer, employee, agent, or representative thereof, who or which shall engage in this State in the business of a motor vehicle installment seller without having first obtained a license, as required by the Act, shall be liable to a penalty of not more than \$1,000.00 for each offense; and

WHEREAS, pursuant to N.J.S.A. 17:16C-56, an person conducting business under the Act and any director, officer, partner, member, employee, agent, or representative thereof who shall knowingly violate any provision of this Act or shall directly or indirectly counsel, aid, or abet such violation shall be liable to a penalty of not more than \$500.00 for each offense; and

WHEREAS, Order to Show Cause No. OCF22-13, dated March 14, 2022, is hereby withdrawn and superseded by this Amended Order to Show Cause; and

## **FACTS COMMON TO ALL COUNTS**

IT APPEARING that Respondent's motor vehicle installment seller license was suspended on June 17, 2017 due to its failure to file its 2016 annual report with the Department of Banking and Insurance ("DOBI") by April 1, 2017 pursuant to N.J.A.C. 3:1-7.6(a); and

IT FURTHER APPEARING that from July 17, 2017 to date, Respondent's license to engage in the motor vehicle installment sales business in New Jersey was suspended; and

### **COUNT 1**

IT FURTHER APPEARING that despite being unlicensed from July 17, 2017 to date, Respondent sold thirty nine (39) automobiles with accompanying installment sales contracts in New Jersey; and

IT FURTHER APPEARING that by selling thirty nine (39) automobiles with accompanying installment sales contracts in New Jersey with a suspended license, Respondent violated N.J.S.A. 17:16C-2; N.J.S.A. 17:16C-10(a)(1), (a)(5), and (a)(6); and N.J.S.A. 17:16C-55; and

IT FURTHER APPEARING that each act of selling a vehicle with an installment sales contract with a suspended license constitutes a separate violation of the Act; and

### **COUNT 2**

IT FURTHER APPEARING that Respondent falsified an active license when attempting to assign retail installment contracts to a licensed Sales Finance Company, namely Western Funding, Incorporated ("Western Funding"), during Respondent's unlicensed period, showing unworthiness, incompetence, bad faith, and/or dishonesty in the transaction of business as a motor vehicle installment seller; and

IT FURTHER APPEARING that by attempting to use a falsified license when attempting to assign retail assignment contracts to Western Funding, and attempting to do so while

Respondent did not have a valid motor vehicle installment seller license, Respondent violated N.J.S.A. 17:16C-10(a)(1), (a)(5), and (a)(6); and N.J.S.A. 17:16C-56; and

IT FURTHER APPEARING that each act of assigning and/or selling a vehicle with an installment sales contract with a falsified license constitutes a separate violation of the Act; and

NOW, THEREFORE, IT IS on this 10 day of May 2022,

ORDERED that Respondent appear and show cause why its motor vehicle installment seller license should not be revoked, pursuant N.J.S.A. 17:16C-10(a)(1), (a)(5), and (a)(6); and

IT IS FURTHER ORDERED that Respondent appear and show cause why the Commissioner should not assess a civil penalty of not more than \$1,000.00 for each violation of the Act, pursuant to N.J.S.A. 17:16C-55; and

IT IS FURTHER ORDERED that Respondent appear and show cause why the Commissioner should not assess a civil penalty of not more than \$500.00 for each violation of the Act, pursuant to N.J.S.A. 17:16C-56; and

IT IS FURTHER ORDERED that Respondent has the right to request an administrative hearing, to be represented by counsel or other qualified representative, at their own expense, to take testimony, to call or cross-examine witnesses, to have subpoenas issued, and to present evidence or argument if a hearing is requested; and

IT IS FURTHER ORDERED that unless a request for a hearing is received within twenty (20) days of the service of this Amended Order to Show Cause, the right to a hearing in this matter shall be deemed to have been waived by Respondent and the Commissioner shall dispose of this matter in accordance with law. A hearing may be requested by mailing the request to Paulette Sibblies-Flagg, OCF Investigations Unit, Department of Banking and Insurance, P.O. Box 040, Trenton, New Jersey 08625. A copy of the request for a hearing shall also be sent to Deputy

Attorney General Brian R. Fitzgerald at P.O. Box 117, Trenton, New Jersey 08625 and fax (609)

777-3503. The request shall contain the following:

- A. Respondent's full name, current address, and daytime telephone number;
- B. A statement referring to each charge alleged in this Amended Order to Show Cause and identifying any defense intended to be asserted in response to each charge. Where the defense relies on facts not contained in the Amended Order to Show Cause, those specific facts must be stated;
- C. A specific admission or denial of each fact alleged in this Amended Order to Show Cause. Where Respondent has no specific knowledge regarding a fact alleged in the Amended Order to Show Cause, a statement to that effect must be contained in the hearing request. Allegations of this Amended Order to Show Cause not answered in the manner set forth above shall be deemed to have been admitted; and
- D. A statement requesting a hearing.



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Marlene Caride  
Commissioner